

### **REMARKS/ARGUMENTS**

At the outset, Applicant appreciates the thorough review and consideration of the subject application. The Final Office Action of May 19, 2009 has been received and its contents carefully noted. Claims 1-21 are currently pending in the application. No new matter has been added.

In view of the following remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

#### ***Allowable Subject Matter / Claim Objection***

Applicant appreciates the indication that claims 19-21 are allowed and the indication that claims 4-9, 13 and 17-18 contain allowable subject matter. More specifically, claims 4-9, 13 and 17-18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Rejections Under 35 U.S.C. § 103***

Claims 1-3, 5, 6, 10-12 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,684,828 issued to Bolan, *et al.* ("*Bolan*") in view of U.S. Patent No. 4,977,578 issued to Ishigaki, *et al.* ("*Ishigaki*"). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 is allowable as it recites a combination of elements including, *inter alia*,

producing a control pulse after having received  
a certain number of chips of the received  
signal;

...

sending, to demodulation units in the receiver, a delayed signal in which chips have been omitted or duplicated on the basis of said control pulse.

The applied references fail to teach or suggest at least these features.

Claim 10 is allowable as it recites a combination of elements including, *inter alia*,

demodulation units, wherein the timer is arranged to produce a control pulse after having received a certain number of chips of a received signal.

The applied references fail to teach or suggest at least these features.

The Office asserts that *Bolan* discloses a demodulation unit and also teaches a timer producing a control pulse after having received a certain number of chips, at the receiver at col. 4, ll. 47-56 and col. 12, ll. 24-34. However, upon review of these sections there appears to be no teaching of producing the control after receiving a certain number of chips as set forth in claims 1 and 10.

Moreover, the Office admits that *Bolan* is materially deficient as failing to teach or suggest, "sending, to demodulation units in the receiver, a delayed signal in which chips have been omitted or duplicated on the basis of said control pulse" as recited in claim 1. The Office tries to cure these deficiencies with *Ishigaki*.

Applicant continues to traverse the rejection as being improper based on improper hindsight. The rationale for combining is materially deficient as it is an unsupported conclusion based on improper hindsight reasoning founded in teachings from the instant application. The Office has failed to address this argument, but rather asserts that in a recent landmark *KSR* ruling simple substitution for one piece to another piece is permissible. Applicant also traverses this statement and requests the Office to address Applicant's

previous traversal of the combination in the Response of March 19, 2009. See *MPEP* 707.07(f). In contrast to the Office's interpretation, the substitution of the teachings of *Ishigaki* are not simple substitutions as *Ishigaki* appears to be directed towards spread spectrum communication while *Bolan* does not. Therefore, a significant modification of *Bolan* would be required in order to substitute the teachings of *Ishigaki*.

Moreover, Applicant submits that *Ishigaki* is also materially deficient as it fails to cure the deficiencies of *Bolan*. That is, it appears to fail to teach or suggest a demodulation unit, and also teaches a timer producing a control pulse after having received a certain number of chips at the receiver as recited in claims 1 and 10. The Office purports these features are disclosed in col. 5, 38-50 and col. 10, ll. 15-17, however, these sections appear to disclose receiving spread spectrum signals with a demodulation unit.

For at least these reasons, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1 and 10, and all the claims that depend therefrom, are allowable.

### **CONCLUSION**

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite

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prosecution. Prompt and favorable consideration of this Reply is respectfully requested. No fee is believed due for this submittal, however, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

  
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